

REMARKS

This Reply is in response to the Office Action mailed on March 8, 2007 in which claims 22 and 23 were allowed; in which claims 17, 21, 24, 29, 35 and 40 were objected to and in which claims 1-16, 18-20, 25-28, 30-34, 36, 38 and 39 were rejected. With this response, claims 1, 14-16, 25 and 32 are amended and claim 41 is added. Claims 1-36 and 38-41 are presented for reconsideration and allowance.

I. Claim Objections

Section 2 of the Office Action objected to claims 21 and 24 alleging that such claims fail to further limit their basic claims, claims 1 and 22. With respect to the objection to claims 21 and 24, Applicants respectfully note that such claims 21 and 24 do indeed further limit their base claims 1 and 22. Claim 1, as amended, recites that actuation of the switch mechanism a second time in response to a second manual input actuates a device to a second state. Claim 21, which depend from claim 1 further recites that the switch may also be actuated the second time in response to a third input identical to the first input in lieu of the second input to actuate the device to the second state. In other words, the switch actuation mechanism is configured such that the second state of the device may be attained with either a second manual input different from the first manual input or a third manual input that is identical to the previously provided first manual input. Claim 24 similarly further limits its base claim 22. Accordingly, Applicants respectfully request that the objection to claims 21 and 24 be withdrawn.

II. Rejection of Claims 1, 2, 5-10, 18, 25, 28 and 30 under 35 USC 102(b) Based upon Bartok

Section 4 of the Office Action rejected claims 1, 2, 5-10, 18, 25, 28 and 30 under 35 USC 102(b) as being anticipated by Bartok US Patent 6,459,060. Claims 1, 2, 5-10, 18, 25, 28 and 30, as amended, overcome the rejection based upon Bartok.

A. Claim 1

Claim 1, as amended, recites an electronic device which includes a switch actuation mechanism configured to actuate against a point of contact of a switch a first time in response to a first manual input to actuate the device to a first state and to actuate against the same point of contact of the switch a second time in response to a second manual input to actuate the device to a second state. The second input has at least one characteristic, other than time at which it is performed, distinct from the first input.

Bartok fails to disclose or suggest a switch actuation mechanism that actuates against the same point of contact of a switch in response to first and second distinct manual inputs to actuate a device between first and second states. In contrast, Bartok requires that its rocking contact 138 (characterized by the Office Action as the switch) be actuated against or engaged at different points of contact to achieve distinct states (electrical contact with terminal 120 or alternatively terminal 122). Contacting rocking contact 138 at the same point of contact will not result in a device being actuated to distinct states. Accordingly, claim 1, as amended, overcomes the rejection based upon Bartok. Claims 2, 5-10 and 18 depend from claim 1 and overcome the rejection for the same reasons.

B. Claim 25

Claim 25, as amended, recites a method for actuating an electronic device between a first state and a second state. The method includes providing a switch configured such that successive actuations of the switch that are identical other than the time at which they are performed in actuate the device between the first state and a second state. The method further includes applying a first manual input so as to actuate the switch a first time and applying a second manual input so as to actuate the switch a second time, wherein the first and second manual inputs are distinct.

Bartok fails to disclose a method wherein distinct manual inputs successfully actuate a switch in identical fashions to actuate a device between the first state and a second state. In rejecting claim 25, the Office Action makes the assertion that successive actuations of a switch

that are mirror images of one another are "substantially identical." At the same time, the Office Action allows claim 22 which recites that the successive actuations are "identical." Although Applicants disagree with the assertion that actuations that mirror one another are somehow "substantially identical," Applicants have amended claim 25 to strike the term "substantially" so as to parallel allowed claim 22. Accordingly, claim 25, as amended, overcomes the rejection based upon Bartok. Claims 28 and 30 depend from claim 25 and overcome the rejection for the same reasons.

III. Rejection of Claims 25-27 and 31 under 35 USC 102(b) Based upon Muz

Section 17 of the Office Action rejected claims 1-8, 18-28, 30 and 31 under 35 USC 102(b) as being anticipated by Muz et al. US Patent 5,610,379. Claims 25-27 and 31, as amended, overcome the rejection.

Claim 25 recites a method for actuating an electronic device. The method includes providing a switch configured such that successive actuations of the switch that are identical other than time at which they are performed to actuate the device between a first state and a second state. The method further includes applying a first input to actuate the switch a first time and applying a second input to actuate the switch a second time, wherein the second input has at least one characteristic, other than the time it which it is performed, that is distinct from the first input.

Muz fails to disclose or suggest an electronic device or a method (1) wherein a switch is configured such that successive actuations of the switch that are identical other than the time which they are performed to actuate the device between a first state and a second state and (2) wherein the switch is successively actuated a first time and a second time using a first input and a second input having at least one distinct characteristic. In contrast, Muz merely discloses two distinct switches: a first switch provided by a first pair of contacts 10, 15 and a second switch provided by a second pair of contacts 10, 15. Nowhere does Muz disclose that successive actuations of the first switch 10, 15 (on the left in Figure 2) actuate the device between two

states. Likewise, nowhere does Muz disclose that successive actuations of the second switch (on the right in Figure 2) actuate the device between two states. As apparently acknowledged by the allowance of claim 22, actuations that mirror another are not identical. Accordingly, claim 25, as amended, overcome the rejection based upon Muz. Thanks 26-27 and 31 depend from claim 25 and overcome the rejection for the same reasons.

IV. Rejection of Claims 3, 4 and 19 under 35 USC 103(a) Based upon Bartok and Downing

Section 9 of the Office Action rejected claims 3, 4 and 19 under 35 USC 103(a) as being unpatentable over Bartok US Patent 6,459,060 in view of Downing et al. US Patent 6,075,925. Claims 3, 4 and 19 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to claim 1. Downing fails to satisfy the deficiencies of Bartok.

V. Rejection of Claims 9-13 under 35 USC 103(a) Based upon Bartok and Parks

Section 10 of the Office Action rejected claims 9-13 under 35 USC 103(a) as being unpatentable over Bartok US Patent 6,459,060 in view of Parks et al. US Patent 5,877,746. Claims 9-13 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to claim 1. Parks fails to satisfy the deficiencies of Bartok.

VI. Rejection of Claims 14-16 and 20 under 35 USC 103(a) Based upon Bartok and Bob

Section 11 of the Office Action rejected claims 14-16 and 20 under 35 USC 103(a) as being unpatentable over Bartok US Patent 6,459,060 in view of Bob et al. US Patent 5,558,211. Claims 14-16 and 20 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to claim 1. Bob fails to satisfy the deficiencies of Bartok.

Claim 14 reflect additional features which further patently distinguish claim 14 over the prior art of record including Bartok in view of Bob. Claim 14 recites an expansion coupled to a first button and a second button that is linearly movable relative to the switch.

Neither Bartok nor Bob disclose an extension coupled to a first button and a second button which is linearly movable relative to the switch. In rejecting claim 14, the Office Action acknowledges that Bartok failed to disclose such an extension. As a result, the Office Action attempt to additionally rely upon Bob and characterizes arm 26 as the extension. However, arm 26 of Bob does not linearly move relative to a switch. At most, arm 26 pivots. Accordingly, claim 14, as amended, overcomes the rejection based upon Bartok and Bob for this additional reason.

VII. Rejection of claims 32-34, 36 and 38 under 35 USC 103(a) Based upon Bartok and Mori

Section 12 of the Office Action rejected claims 32-34, 36 and 38 under 35 USC 103(a) as being unpatentable over Bartok US Patent 6,459,060 in view of Mori et al. US Patent 6,337,961. Claims 32-34, 36 and 38, as amended, overcome the rejection.

Claim 32, as amended, recites a switch configured such that successive actuations of the switch actuates an image forming engine between a first state and a second state, a first movable input surface and a second movable input surface. The first movable input surface and the second movable input surface are both rigidly coupled to a post such that movement of the first movable input surface linearly moves the post along an axis against the switch to actuate the engine to the first state and such that movement of the second movable input surface linearly moves the post along the axis against the switch to actuate the engine to a second state.

Neither Bartok nor Mori, alone or in combination, disclose or suggest first and second movable input surfaces that are both coupled to a post such that movement of the first movable input surface linearly moves the post along an axis against the switch to actuate the engine to the

first state and such that movement of the second movable input surface linearly moves the post along the axis against the switch to actuate the engine to a second state. Claims 33-34, 36 and 38 depend from claim 32 and overcome the rejection for the same reasons.

VIII. Rejection of Claims 39 under 35 USC 103(a) Based upon Bartok, Mori and Parks

Section 12 of the Office Action rejected claim 39 under 35 USC 103(a) as being unpatentable over Bartok US Patent 6,459,060 in view of Mori et al. US Patent 6,337,961 and further in view of Parks et al. US Patent 5,877,746. Claim 39 depends from claim 32 and overcomes the rejection for the same reasons discussed above with respect to the rejection of claim 32 based upon Bartok and Mori. Parks fails to satisfy the deficiencies of Bartok and Mori.

IX. Added Claim

With this response, claim 41 is added. Section 15 of the Office Action indicated that claim 17 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, claim 17 is rewritten as added claim 41 and includes all of the limitations of former base claim 1. Thus, claim 41 is presented for consideration and allowance.

X. Conclusion

After amending the claims as set forth above, claims 1-36 and 38-41 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date June 7, 2007

By Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 22879
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276